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February 18, 2022

**VIA ECF**

The Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, New York 10007

*Granted.*  
*Denise Cote*  
*2/22/22*

Re: *TransPerfect Global, Inc. v. Lionbridge Technologies, Inc., et al.*,  
Case No. 1:19-cv-3283-DLC

Dear Judge Cote:

Defendants respectfully request authorization to: (i) file under seal Exhibits 2, 6, and 16 attached to the Declaration of Aaron H. Marks ("Marks Declaration") in support of Lionbridge Technologies, Inc. and H.I.G. Middle Market, LLC's Motion for Attorneys' Fees and Costs (the "Motion"); Exhibit 1 attached to the Declaration of Scott M. Kessler ("Kessler Declaration") in support of the Motion; and Exhibit 1 attached to the Declaration of Benjamin F. Heidlage ("Heidlage Declaration") in support of the Motion; and (ii) file in redacted form the Memorandum of Law of Defendants Lionbridge and H.I.G. Middle Market, LLC in support of the Motion ("Memorandum of Law"); and Marks Declaration Exhibits 7, 9–11, and 22–23.

Marks Declaration Exhibits 7, 9–11 are excerpts of deposition testimony from the depositions of Kevin Obarski, Philip Shawe, Adam Mimeles, and Robert Pincus. Portions of the testimony of Obarski, Shawe, and Mimeles have been designated Confidential or Highly Confidential by TransPerfect under the Court's June 3, 2020 Order Regarding Confidential Discovery Material (ECF No. 78) (the "Confidentiality Order"). Portions of the testimony of Pincus have been designated Confidential or Highly Confidential by Defendants and/or TransPerfect under the Confidentiality Order. Your Honor has previously granted requests to seal portions of these transcripts in connection with Defendants' Motion for Summary Judgment. (Dkt. Nos. 215, 262.)

Marks Declaration Exhibit 2, Kessler Declaration Exhibit 1, and Heidlage Declaration Exhibit 1 are attorney billing records, including narratives for work done in this action, which contain confidential information regarding the work performed on behalf of Defendants in this case. This Court has previously permitted the filing of such documents under seal in support of motions for attorneys' fees. *Advanced Analytics, Inc. v. Citigroup Global Markets, Inc.*, 2020 WL

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91504, at \*2 (S.D.N.Y. Jan. 8, 2020) (noting application for fees filed under seal); *Fleisig et al. v. ED&F Man Cap. Markets, Inc.*, Case No. 19-cv-8217 (DLC) (S.D.N.Y. Aug. 6, 2021) (Dkt. No. 121) (directing counsel to file invoices under seal). Defendants have additionally redacted certain narrative descriptions contained within these invoices for privilege or work product reasons.

Marks Declaration Exhibits 6 and 16 are documents that were produced in this case by TransPerfect and designated Confidential or Highly Confidential by TransPerfect under the Confidentiality Order. Marks Declaration Exhibits 22 and 23 are e-mail chains between counsel for the parties that reflect client information related to TransPerfect and Defendants, which the parties have previously designated as Confidential or Highly Confidential.

The Memorandum of Law contains and reflects documents or portions of deposition transcripts designated Confidential or Highly Confidential by TransPerfect and/or Defendants under the Confidentiality Order. Your Honor has previously granted requests to redact similar information in connection with Defendants' Motion for Summary Judgment. (Dkt. Nos. 214, 271.)

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Aaron Marks

Aaron Marks, P.C.

cc: All Counsel of Record (via ECF)